

REMARKS

Claims 1-28, 61, 64-66, 68-77, 79-84 and 86-131 were pending in this application.

Claims 1-3, 7, 21-25, 28, 61, 64-66, 68-77, 79-84, 86-94, 99-120, 124-129 and 131 were allowed.

Claims 4-6 were rejected.

Claims 8-20, 26, 27, 95-98, 121-123 and 130 were objected to.

Claims 8, 13, 121-123 and 130 have been amended.

Claims 132-142 have been added.

Applicant and the undersigned thank Examiner Thompson for his careful review of this application. Consideration of the present application in light of the above-amendments to the claims and in view of the following remarks is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Applicant notes with appreciation the indication of allowable subject matter for claims 1-3, 7, 21-25, 28, 61, 64-66, 68-77, 79-84, 86-94, 99-120, 124-129 and 131.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 4-6 were rejected under 35 U.S.C. 102(b) as being anticipated by Rabe (U.S. 4,779,445). The Applicant respectfully disagrees and traverses the rejection for at least the following reasons.

Rabe discloses a tool for repairing tubes of a heat exchanger that contain ruptures. Rabe is silent with respect to the Applicant's claim element stating "wherein the interior diameter of the radially expanded second tubular member is substantially equal to the interior diameter of the radially unexpanded portion of the first tubular member." Rabe only discloses Figures 4 and 5 with respect to this element. Based upon these figures, it does not visually indicate that the interior diameter of the radially expanded sleeve (second tubular member) is substantially equal to the interior diameter of the radially unexpanded portion of the tube (first tubular member). Thus, Rabe does not anticipate claims 4-6.

The Applicant respectfully requests the Examiner to remove the rejections for claims 4-6 and allow these claims to issuance.

CLAIM OBJECTIONS

Claims 8-20, 26, 27, 95-98, 121-123 and 130 were objected to. The Examiner states that the recitation "circumferential groove" in claim 8, line 7 lacks antecedent basis. The Examiner further states that claims 9-20, 26, 27 and 95-98 are objected to because they depend from claim 8. Additionally, the Examiner states that claims 121-123 and 130 have a similar recitation and are therefore objected to.

Applicant has amended claims 8, 13, 121-123 and 130 so as to correct the Examiner's objection for lack of antecedent basis. Since the objection with respect to claim 8 has been addressed and corrected, claims 9-12, 14-20, 26, 27 and 95-98 should also overcome the Examiner's objection, since they were objected to because they depended from previously objected claim 8.

The Applicant would like to direct the Examiner's attention to claim 13, in that it is an independent claim and not a claim dependent upon claim 8. Applicant has amended claim 13 so as to correct the Examiner's objection for lack of antecedent basis.

The Applicant respectfully requests the Examiner to remove the objections for claims 8-20, 26, 27, 95-98, 121-123 and 130 and allow these claims to issuance.

NEW CLAIMS

Applicant has added new claims 132-142. Newly added claims 132-134 includes an element stating that the first and second tubular members comprise wellbore casing. Newly added claims 135-137 includes an element stating that the first and second tubular members comprise subterranean pipeline. Rabe, however, discloses a tool for repairing tubes of a heat exchanger using a sleeve.

Newly added claims 138-140 includes an element stating that only a portion of the second tubular member is positioned within the first tubular member. As described in column 3, lines 24-34, of Rabe, a sleeve is placed within the tube past the rupture, and locally expanded against the inner wall of the tube by providing a pressure-tight joint at each end of the sleeve. This repair is illustrated in Figure 1A of Rabe. Figure 1A illustrates that the entire sleeve (second tubular member) is placed within the tube (first tubular member) and is the locally expanded at each end.

Newly added claims 141-142 includes an element stating that the expansion cone moves in an axial direction through the first and second tubular members while radially expanding the first and second tubular members, wherein the expansion cone continuously maintains contact with at least one of the tubular members. According to

Rabe, the tool cannot be moved in an axial direction and continuously maintain contact with one of the tubular members while radially expanding the first and second tubular members. Thus, Rabe cannot anticipate newly added claims 141-142.

Rabe does not anticipate newly added claims 132-142 of the present application. Applicant respectfully requests the Examiner to allow these newly added claims to issuance.

CONCLUSION

The foregoing is submitted as a full and complete Response to the Non-Final Office Action mailed May 7, 2007. Applicant has made a diligent effort to advance the prosecution of the application by submitting arguments in support of the patentability of pending claims 1-28, 61, 64-66, 68-77, 79-84 and 86-142. Applicant has not acquiesced to any rejection and reserves the right to address the patentability of any additional claim features in the future.

In view of the above, reconsideration of the rejections and objections of claims 4-6, 8-20, 26, 27, 95-98, 121-123 and 130 is respectfully requested. Furthermore, newly added claims 132-142 are respectfully requested to proceed to allowance.

As the three-month statutory period for reply expires on August 7, 2007, this Response is therefore considered timely filed and no fees are believed to be due. However, should the Examiner deem any fees as being due, including any fees for any extensions of time, the Examiner is hereby authorized to debit said fees from, or to credit any overpayments to, USPTO Deposit Account Number 50-3786, Reference No. 14147.105025.

The Examiner is invited to contact the undersigned via telephone at the number listed below if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,


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